

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 124 OF 2007

Harishchandra R. Gupta

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Mr. K.K. Jadhav, instructed by Mr. J.K. Jadhav, for the petitioner.

Mr. P.M. Mokashi, Assistant Government Pleader, for respondent Nos. 1 to 3.

WITH

APPELLATE SIDE

WRIT PETITION NO. 8668 OF 2006

Smt. Darshana Madhukar Mahatre

... Petitioner

versus

State of Maharashtra and others

..

Respondents

Mr. M.V. Aiya for the petitioner.

Mr. C.R. Sonawane, Assistant Government Pleader, for respondent Nos. 1 to 3.

Mr. P.A. Pol for respondent No.4.

CORAM: **H.L. GOKHALE, Ag. C.J., &**
V.M. KANADE, J.

DATE: **FEBRUARY 12, 2007.**

P.C.

The first petition is filed by one Harishchandra R. Gupta
whereas the second one is filed by one Smt. Darshna M. Mahatre.

Both of them are challenging the decision rendered by the Minister of Food and Civil Supplies dated 29th November, 2006, allotting an authorised ration shop at Dombivli to one Shailesh Eknath Mahatre. Under the relevant rules, an advertisement is to be given which was undoubtedly given and the concerned persons were to apply. On receiving those applications, their grievances are to be examined and it is entirely a decision of the authorities concerned to decide as to whom the shop should be allotted. Unless there is something seriously wrong with the decision, we are not expected to interfere.

2. In the present case what is found is that Smt. Mahatre was not having a particular shop in possession of herself though otherwise she would have got priority as a woman candidate. Shailesh Mahatre was held eligible as falling in the first category inasmuch as he is an unemployed youth and was fulfilling all necessary requirements. As far as Harishchandra Gupta is concerned, he came in the last priority i.e. Priority No. 10 and obviously he could be considered only when there were no candidates of other priority.

3. In the affidavit filed by one Neelkanth Suryabhanji Bansod,

Under Secretary to the Government of Maharashtra, Food, Civil Supplies and Consumer Protection Department, affirmed on 10th January, 2007, it has been clearly stated that as far as Smt.Darshana Mahatre is concerned, she was not in actual possession of the proposed premises. As far as Shailesh Mahatre is concerned, he had complied with all the necessary requirements. It was submitted by Mr. Jadhav, appearing for Mr. Gupta and Mr. Aiya appearing for Mrs. Mahatre that the documents produced by Shailesh Mahatre were unreliable. As far as that aspect is concerned, the Minister has passed a reasoned order and explained as to why the documents stood in the particular name. There is no reason to interfere with the order passed by the Minister. Both these petitions are dismissed. Ad-interim order dated 29th December, 2006, passed in Writ Petition No. 8668 of 2006, stands vacated. Mr. Aiya applies for continuation of the stay. His request is rejected.

ACTING CHIEF JUSTICE

V.M. KANADE, J.